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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,878	11/08/2001	Stephen P. Shoemaker JR.	SHO5-BQ27	5324

7590

08/18/2003

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EXAMINER

NGUYEN, KIMBERLY D

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/008,878

Applicant(s)

SHOEMAKER, STEPHEN P.

Examiner

Kimberly D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 12-14, and 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horniak (US 5,211,093 cited by the Applicant) in view of Nickels, Jr. (US 4,684,792).

Re claims 1, 20-24, and 26: Horniak teaches an automated ticket counting apparatus 10, which serves as a ticket counter, comprising:

a transport mechanism for transporting tickets 12 from an inlet 16, past a sensor 32, the transport mechanism maintaining contact with the tickets while exposing an outer edge of the tickets (figs. 1-2; col. 2, lines 61+; and col. 3, lines 1-14);

a sensor 32 adjacent the transport mechanism and positioned to read the exposed outer edge 36 of the ticket 12 (see fig. 2; and col. 3, lines 30+) while the ticket is transported by the transport mechanism, the sensor 32 determining a quantity of tickets (i.e., the cumulative number of the tickets) transported by the transport mechanism past the sensor and generating a signal corresponding to the quantity (i.e., analog counter; col. 4, lines 41-55);

a computer in communication with the sensors for receiving the signal from the sensor (col. 3, lines 46-52).

Although, Horniak teaches a total count (quantity) of tickets transported by the transport mechanism past the sensor to be outputted to analog or digital form (col. 3, lines 37+), Horniak

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fails to teach or fairly suggest a printer connected to the computer for printing the quantity of tickets.

Nickels, Jr. teaches multiple input compact ticket processor/computer, which has a printer that which is connected thereto and the printing means to print a receipt and a transactional data on the ticket (col. 1, lines 14-30; col. 2, lines 33-36; col. 4, lines 27-39; col. 4, lines 56-65).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a well known and conventional printer as taught by Nickels, Jr. to the teachings of Horniak due to the fact that the owner of the ticket counter can file-away/store a hard copy of the receipt for an inventory/record purposes in the event the ticket counter malfunctions and/or is completely disabled.

Re claims 2-3: Horniak teaches a ticket counter, wherein the transport mechanism transports tickets of paper (col. 2, lines 51-60; col. 4, lines 55+).

Re claim 4: Horniak teaches a ticket counter, further comprising a analog counter to keep track of daily totals and to monitor operator's integrity, which serves as a display screen (col. 4, lines 48-54).

Re claim 12: Horniak teaches a ticket counter, wherein the transport mechanism comprises a pair of opposed endless belts rotating in opposite directions at a common speed to carry the tickets therebetween, at least one of the pair of endless belts having a width less than the width of the tickets to enable the sensor to read the outer edge of the tickets (col. 3, lines 15-20).

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Re claim 13: Horniak teaches a ticket counter, further comprising a ticket shredding mechanism 48 for destroying the tickets transported by the transport mechanism past the sensor (col. 3, lines 57+).

Re claim 14: Horniak teaches a ticket counter, wherein the sensor detects light passing through the tickets (i.e., the notch 36 is detected by the light passing through the tickets; see fig. 1; col. 3, lines 30<sup>+</sup>).

Re claims 19 and 25: Although, Horniak as modified by Nickels, Jr. fails to specifically teach a second sensor for reading the opposite edge side of the ticket, one of ordinary skill in the art would have recognized the necessity to further employ a second sensor to the teachings of Horniak/Nickels, Jr. to repeat the reading process of the first sensor , for confirmation. Furthermore, to employ the second sensor would have been a mere duplication of elements to get an accurate reading of the tickets.

3. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horniak as modified by Nickels, Jr. as applied to claim 4 above, and further in view of Nathan (US 6,336,219). The teachings of Horniak as modified by Nickels, Jr. have been discussed above.

Horniak teaches an analog counter to keep track of ticket totals (col. 4, lines 50<sup>+</sup>) while the tickets are being transported by the transport mechanism.

Horniak as modified by Nickels, Jr. fails to teach or fairly suggest the display screen displays animation.

Nathan teaches an audiovisual reproduction system, wherein the display screen displays animation to the users (col. 9, lines 15<sup>+</sup>).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate well known animation/quiz/advertisement/game displays as taught by Nathan to the teachings of Horniak as modified by Nickels, Jr. in order to entertain the operator while the system/device is processing the data (i.e., counting the numbers of the tickets).

4. Claims 9-11, 15-16, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horniak as modified by Nickels, Jr. as applied to claim 1 above, and further in view of Saunders (US 6,280,326). The teachings of Horniak as modified by Nickels, Jr. have been discussed above.

Re claims 9-10 and 27: Horniak as modified by Nickels, Jr. fails to teach or fairly suggest the computer records information encoded on the tickets.

Saunders teaches the computer 40 records information 240 encoded on the tickets 200 (figs. 2 and 5; col. 4, lines 46-67), including the distributor 220 of the tickets.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the recording of information on the ticket as taught by Saunders to the teachings of Horniak as modified by Nickels, Jr. in order to keep track of all the information on the ticket counter that which is remotely situated in a multiple locations, i.e., to keep information/data of the ticket in a central computer for inventory purposes.

Re claim 11: Saunders teaches information encoded on the ticket, which includes distributor, casino, etc. (see figs. 2-3; and col. 3, lines 35-53)

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify/enhance the information encoded on the ticket to further include a time that the tickets were distributed in order to track and maintain a historical data for marketing

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purposes (e.g., to determine the frequency of the ticket(s) that which is requested by the distributor, casino, etc.).

5. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horniak as modified by Nickels, Jr. as applied to claim 1 above, and further in view of Dolash et al. (US 4,983,817). The teachings of Horniak as modified by Nickels, Jr. have been discussed above.

Horniak as modified by Nickels, Jr. fails to teach or fairly suggest the barcode is imprinted with translucent ink.

Dolash teaches a fluorescent barcode, which is imprinted with translucent ink (col. 1, lines 29-38; col. 4, line 66 through col. 5, line 7).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate translucent barcode as taught by Dolash to the teachings of Horniak as modified by Nickels, Jr. in order to prevent the translucent barcode from being tempered/manipulated by an unauthorized individual(s) (i.e., to prevent the forgery of the ticket).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stewart et al. (US 5,444,750) teaches a tally punch machine. Burr et al. (US 4,982,337) teaches System for distributing lottery tickets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

KDN

August 11, 2003



**MICHAEL G. LEE**  
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